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August 25, 2021

**BY ECF**

Honorable Paul G. Gardephe  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

**MEMO ENDORSED**

The Application is granted.

SO ORDERED:

  
Paul G. Gardephe, U.S.D.J.

Dated: August 27, 2021

Re: David Fernandez, et al., v. City of N.Y., et al.  
17 CV 00789 (PGG)

Dear Judge Gardephe:

I am counsel for Plaintiffs in the above-captioned action. The parties have been working hard together on finalizing the joint pretrial order, which we expect to submit for the Court's endorsement this Friday, August 27, 2021, in advance of the deadline for doing so (which is September 1, 2021). I write - jointly with opposing counsel - to respectfully request that the deadlines for the motions in limine, requested voir dire, and requests to charge (presently also due on September 1, 2021) be extended by one week, to September 8, 2021, and that the deadline for responsive papers (presently due September 8, 2021) be extended to September 15, 2021. Trial in this matter is presently scheduled to begin on October 5, 2021.<sup>1</sup> The Court has not yet scheduled any final pre-trial conference.

As I noted in a previous letter to the Court, I am away in Hawaii with my partner and young daughter through Sept. 2, 2021, and it is very difficult to work in close quarters with them, and I do not have access here to my hard files or office computer, and am working off of a laptop. I am also trying to spend this special time away with them, prior to our return to our respective work and school lives. Opposing counsel additionally will be away from August 27<sup>th</sup> through September 13<sup>th</sup>, and he has been dealing with limitations in accessing his office's files while he continues to work remotely part of the time. For these reasons, the additional requested week for these remaining pre-trial filings would be greatly appreciated, and would allow the parties to submit filings that would maximally assist the Court in presiding over the trial.

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<sup>1</sup> The parties also respectfully request that the Court advise as to whether the Court expects any delay in the scheduled start date of the trial due to COVID-related developments, or otherwise.

The parties thank the Court for its consideration in this matter.

Respectfully submitted,

/S/

Jeffrey A. Rothman